

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

No C 08-1718 VRW

Plaintiff,

ORDER

v

NEXTCCLICK MEDIA, LLC,
NEXT INTERNET, LLC
KENNETH CHAN, and
ALBERT CHEN,

Defendants.

Plaintiff filed a complaint under sections 5(a) and 12 of the Federal Trade Commission Act, 15 USC §§ 45(a), 52, section 907(a) of the Electronic Fund Transfer Act, 15 USC § 1693e(a), and section 205.10(b) of Regulation E, 12 CFR § 205.10(b) alleging that defendants operate websites selling stop-smoking products and skin care products under false pretenses. Plaintiff also filed an ex parte motion for a temporary restraining order (TRO) pursuant to FRCP 65(b) and Civ LR 65-1, as well as a preliminary injunction. Plaintiff filed its complaint on March 31, 2008, and served the summons and complaint on defendants that same day. Doc #11.

1 Plaintiff alleges that defendants' websites make numerous
2 misrepresentations and employ numerous unfair or deceptive business
3 practices. First, plaintiff alleges that defendants make
4 unsubstantiated claims about their products' medical benefits.
5 Second, plaintiff alleges that once a consumer signs up for a free
6 trial of defendants' products, the consumer is locked into a
7 monthly contract which is virtually impossible to cancel. Third,
8 plaintiff alleges that defendants disclose inadequately other
9 aspects of the "free trial" that end up costing consumers money
10 without their knowledge or consent. Plaintiff seeks injunctive
11 relief and statutory damages.

12 Good cause thus appearing, defendants are ORDERED to show
13 cause why the court should not grant the preliminary injunction
14 prayed for by plaintiff. Defendants shall file a written response,
15 if any, to this Order to Show Cause on or before April 18, 2008.
16 The hearing on plaintiff's application for a preliminary injunction
17 is hereby set for April 22, 2008, at 3:00 pm.

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21 IT IS SO ORDERED.

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25 VAUGHN R WALKER
26 United States District Chief Judge
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